

**IN THE U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

STEPHEN CAULFIELD,)
)
)
Plaintiff,) Case No.: 6:20-cv-3278
v.)
)
)
TEXAS ROADHOUSE HOLDINGS LLC)
)
)
Defendant.)

NOTICE OF REMOVAL

COMES NOW Defendant Texas Roadhouse Holdings LLC, by and through counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, and respectfully represents to the Court as follows for its Notice of Removal:

1. Plaintiff filed the present action in Greene County, Missouri on July 23, 2020 against Texas Roadhouse Holdings LLC, claiming personal injury as a result of an alleged incident at the Texas Roadhouse restaurant in Springfield, MO on or about March 28, 2019.
2. On August 31, 2020, Defendant propounded Requests for Admissions on Plaintiff regarding the value of his case.
3. On September 1, 2020, Plaintiff served his Answers to Defendant's Requests for Admission, denying that the total amount of damages he is seeking in this case does not exceed \$75,000. *See Exhibit A, Plaintiff's Response to Defendant's Request for Admissions.* Therefore, Defendant has a reasonable believe that the amount in controversy in this case is likely to exceed \$75,000.
4. The foregoing action is a civil action in which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332. Plaintiff is a citizen of the State of Missouri. Defendant Texas Roadhouse Holdings LLC is a limited liability company whose sole member is Texas

Roadhouse, Inc. Texas Roadhouse, Inc. is a corporation incorporated in Delaware with its principal place of business in Kentucky. As such, complete diversity exists between Plaintiff and Defendant.

5. Because there is diversity of citizenship in this case and the amount in controversy is likely to exceed \$75,000.00, this case can be removed to federal court pursuant to 28 U.S.C. §§ 1441 and 1332(a) by reasons of diversity of citizenship, and this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a). Further, removal is timely because this Notice of Removal is being filed within thirty (30) days of when Defendant first had a reasonable basis for removal (i.e., that the amount in controversy exceeded \$75,000, based upon Plaintiff's discovery answers) pursuant to 28 U.S.C. § 1446(b).

6. This case was commenced in the Circuit Court for the Thirty-First Judicial Circuit, Greene County, Missouri, which is in this Court's district. Therefore, this action is properly removable to this Court pursuant to 28 U.S.C. § 1441(a).

7. A true and correct copy of all process and pleadings entered into the state of court record in this action (except for Plaintiff's Response to Defendant's Request for Admissions, per Local Rule 26.3) are attached hereto as *Exhibit B* and are incorporated by reference therein. They include:

- a. Petition for Damages
- b. Summons to Texas Roadhouse Holdings LLC
- c. Entry of Appearance by John P. Kemppainen, Jr. on behalf of Defendant Texas Roadhouse Holdings LLC
- d. Entry of Appearance by Jennifer L. Woulfe on behalf of Defendant Texas Roadhouse Holdings LLC
- e. Answer of Defendant Texas Roadhouse Holdings LLC to Plaintiff's Petition

- f. Certificate of Service of Defendant's First Request for Admissions directed to Plaintiff
- g. Certificate of Service of Plaintiff's First Interrogatories and First Request for Production directed to Defendant
- h. Plaintiff's Reply to Defendant's Affirmative Defenses

8. Defendant has provided written notice of this removal to Plaintiff and to the Circuit Court for the Thirty-First Judicial Circuit, Greene County, Missouri, by filing a Notice of Filing Notice of Removal, together with copies of this Notice of Removal, in that court.

9. Defendant's counsel is authorized to practice law in the State of Missouri and in the United States District Court for the Western District of Missouri.

**RYNEARSON, SUESS, SCHNURBUSCH
& CHAMPION, L.L.C.**

BY: /s/ John P. Kemppainen, Jr.
John P. Kemppainen, Jr. #42461MO
Jennifer L. Woulfe #64252MO
Attorneys for Defendant
500 N. Broadway, Suite 1550
St. Louis, MO 63102
314-421-4430/314-421-4431 (FAX)
jkemppainen@rssclaw.com
jwoulfe@rssclaw.com

CERTIFICATE OF SERVICE

The undersigned hereby states that the foregoing was filed via the Court's electronic filing system this 3rd day of September, 2020 with service via email to: Daniel P. Molloy, Aaron Sachs & Associates, 3271 E. Battlefield, Ste. 350, Springfield, MO 65804, daniel@autoinjury.com.

/s/ John P. Kemppainen, Jr.